

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
MARITEL, INC. and)	WT Docket No. 04-257
MOBEX NETWORK SERVICES, LLC)	RM-10743
)	
Petitions for Rule Making to Amend the)	NPRM released 7-3-04
Commission's Rules to Provide Additional)	
Flexibility for AMTS and VHF Public Coast)	
Station Licensees)	

**Clarifications of Comments
(Late Filed)**

Warren Havens ("Havens"), Telesaurus Holdings GB, LLC ("THL"), Telesaurus-VPC, LLC ("TVL") and AMTS Consortium, LLC ("ACL") (together, the "Parties") hereby submit clarifications to comments they filed regarding the above-captioned NPRM.

The Parties submit this clarification after reviewing comments of Mr. Hershey of the US Coast Guard who appeared to construe the Parties' comments as adverse to US Coast Guard interests in current or potential use of VPC to serve maritime traffic.

The Parties' comments commenced with the following:

1. The Parties do not comment at this time on matters relating to maritime VPC including since they do not have VPC licenses for areas along the coasts, Great Lakes, or Mississippi River System. . . .

The Parties' comments that followed were meant to deal with inland VPC away from maritime traffic area and not with VPC in maritime areas where VPC base stations serve or could serve maritime traffic.

A fundamental matter that does not seem to be addressed squarely in the NPRM or in comments thereupon is that practically there are, and by rule there should be, two classes of

VPC, one in areas where there is substantial maritime traffic where the US Coast Guard has operations, and another “VPC” in all other, inland areas. The Parties do not hold VPC spectrum in the maritime areas, with the possible exception noted next. Havens has in the past informed the US Coast Guard that he will be happy to cooperate with US Coast Guard to serve maritime traffic on Lake Tahoe to the degree he obtains rights to serve Lake Tahoe.¹

Havens does not oppose the US Coast Guard position to the extent it may reasonably be applied to the VPC spectrum Havens may obtain to serve Lake Tahoe as noted above. Similarly, the Parties do not oppose the US Coast Guard position in this proceeding regarding other areas, including since they hold no VPC in those areas. To the extent any other party commenting in this proceeding construes or cites comments of the Parties contrary to the above, this clarification serves as a correction.

The Parties hold LMS spectrum nearly nationwide, and recently purchased in Auction 57 AMTS spectrum nearly nationwide. For years, and to this day, a core part of their business plan is to use the spectrum they obtain for private wireless systems to serve roadway, railway and maritime traffic. They have interest in cooperating with Federal, State, and local public entities including the NTIA and the US Coast Guard in planning, deploying, and operating systems on their spectrum for safety-of-life, ITS (Intelligent Transportation System), environmental protection, and other high public-interest applications. They plan to undertake these to a substantial extent on a nonprofit basis with or without coordination of public entities.

¹ Havens’ current VPC license for that area has a Western boundary that runs north to south in the middle of the Lake, and a current rule restricts signal strength along VPC license boundaries to 5 dBu absent an agreement with the neighboring licensee. Havens has entered an agreement with Maritel that, if consummated, will allow him to use some of the VPC spectrum in the whole Lake Tahoe basin area with serviceable signal strength, including to serve boats on the Lake.

Accordingly, for the above reasons, the Parties submit these clarifications.

Respectfully,

Warren Havens

For himself,

And as President of:

Telesaurus-VPC, LLC
AMTS Consortium, LLC
Telesaurus Holdings GB, LLC

2649 Benvenue Ave., Suite 2
Berkeley, CA 94704
Phone: 510-841-2220
Facsimile: 510-841-2226